

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JASON WILLIAM SANDBERG,

Plaintiff,

v.

SUPERINTENDENT RON VAN  
BOENING, *et al.*,

Defendants.

CASE NO. C09-5347RJB/JRC

ORDER RE-NOTING A MOTION TO  
DISMISS AND STAYING THE ACTION

This 42 U.S.C. §1983 Civil Rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge's Rules MJR 1, MJR 3, and MJR 4.

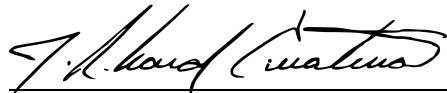
On April 27, 2010, defendants moved to dismiss this action. That motion was noted for May 28, 2010 (Dkt. # 61). When the court considered the motion, it noted that the complaint served on defendants was not the complaint on file and asked counsel to provide a copy of the amended complaint that had been served (Dkt. # 64). The motion to dismiss was re-noted for July 30, 2010.

1 On July 19, 2010, plaintiff filed an untimely notice of appeal regarding an order staying  
2 discovery (Dkt # 67). Thus, the court no longer had jurisdiction to entertain the motion to  
3 dismiss.

4 On August 26, 2010, the Ninth Circuit dismissed the appeal as untimely. The court now  
5  
6 ORDERS

- 7 1. The motion to dismiss, (Dkt. # 61), is re-noted for September 10, 2010.
- 8 2. Until a Report and Recommendation on the motion to dismiss is entered this  
9 action is STAYED.

10 DATED this 7<sup>th</sup> day of September 2010.

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13 J. Richard Creatura  
14 United States Magistrate Judge  
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